

PLANNING AND ZONING BOARD
AUGUST 22, 2001

1. ROLL CALL

The meeting was called to order at 7:20 p.m. Board members present were Chair Jay Stahl, Vice-Chair Mike Bender, Edna Moore, Mimi Turin, and Bob Waitkus. Also present were Board Attorney Thomas A. Connick, Planner Chris Gratz and Board Secretary Janet Gale recording the meeting.

Chair Stahl requested that item 4.5 be taken out of order.

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to take Item 4.5 out of order. In a voice vote, all voted in favor. **(Motion carried 5-0)**

4.5 George Bouza, representing the petitioner, was present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

Mr. Bouza advised that there was a construction trailer on the site and that it was intended to be consolidated in its uses.

Chair Stahl asked if anyone wished to speak for or against this item.

Norm Blanco, representing the Associations of Nova Drive, stated that this issue had been discussed by the Associations which had determined that there were no objections to this project.

As there were no other speakers, the public hearing was closed.

Vice-Chair Bender made a motion, seconded by Ms. Moore, to approve. In a roll call vote, the vote was as follows: Chair Stahl - yes; Vice-Chair Bender - yes; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 5-0)**

2. APPROVAL OF MINUTES: August 8, 2001

Vice-Chair Bender made a motion, seconded by Ms. Turin, to approve the minutes of August 8, 2001. In a roll call vote, the vote was as follows: Chair Stahl - yes; Vice-Chair Bender - yes; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 5-0)**

Chair Stahl requested a motion to take item 4.3 out of order. Mr. Gratz advised that the petitioner was not present. Chair Stahl requested a motion to table this item to the end of the meeting.

Vice-Chair Bender made a motion, seconded by Ms. Moore, to table item 4.3 to the end of the meeting. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Chair Stahl requested a motion to take item 4.2 out of order.

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to take item 4.2 out of order. In a voice vote, all voted in favor. **(Motion carried 5-0)**

4.2 Barbara Hall, Steve Fleisher and Bob Breslau, representing the petitioner, were present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

Ms. Turin requested a description of the differences in uses between B-2 and B-3 zoning, Mr. Gratz listed some of the differences and Mr. Connick elaborated on the difference as it applied to this proposal.

**PLANNING AND ZONING BOARD
AUGUST 22, 2001**

Vice-Chair Bender asked why the buffer was being rezoned to Community Facility rather than Recreation Open Space. Ms. Hall responded that "flood protection was a permitted first use in a community facility zoning and it was not listed as an independent first use in recreation open space."

Chair Stahl asked if anyone wished to speak for or against this item.

Ms. Hall requested to make a presentation prior to having speakers heard. She provided a history on the site and expounded on the proposed plans for its development. Ms. Hall reiterated that the rezoning request was consistent with the Land Use Plan and that this area along with the intersection of Interstate 75, were the only areas left which could be developed as commercial properties along this corridor. She distributed aerial photographs of the site to the Board.

Mr. Fleisher presented specifics of the overall Master Plan and the conceptual site plan which addressed several of the applications being reviewed at this meeting. He indicated that the 27 acres encompassed two zoning categories and advised that the commercial aspect with buffers and setbacks, was confined within 21 acres and that the northern six acres were going to be an off-site lake for wetland preservation, storm drainage, and open space. Mr. Fleisher stated that the proposed site plan consisted of 150,000 square feet of commercial building which was 50% less than what B-3 zoning permitted.

Mr. Fleisher stated that the developer went above and beyond Code requirements. He described various voluntary amenities including extended buffers, additional landscaping, berms, equestrian trails, picnic areas and a gazebo. Mr. Fleisher further advised that the northern six acres would be voluntarily deed restricted as open space.

Mr. Fleisher indicated that he had met with Laurel Oaks representatives for input on the requests made by residents. He spoke of the many amenities which were added to enhance the project in consideration of the site abutting SW 121 Terrace. With regard to the specific request for the two rezonings and a variance, Mr. Fleisher explained that the gas station was a conditional permitted use in both B-2 and B-3 zoning. He explained that it was moved to the northern section of the site where it was permitted according to Code guidelines and assured that it would not be a service station.

Mr. Connick clarified that the issue at hand was rezoning. He asked if the applicant was making a voluntary representation that the shopping center would be bound by the description Mr. Fleisher offered if the rezoning was granted. Ms. Hall stated that her client would agree that these plans would be incorporated into the master plan. She added that her only concern was that the master plan showed greater square footage than the 150,000 square feet proposed, and she wanted to be assured that there would be "a little wiggle room" in the configuration, should it be needed. Mr. Fleisher explained that he would agree to everything he stated in his presentation; however, since specific tenants had not been selected for the remainder of the shopping center, adjustments would need to be made to the outside walls. Therefore, Mr. Fleisher eventually agreed that they would commit to a maximum of 175,000 square feet of building space.

Mr. Connick wanted to know the position of the applicant if the request for the gas station was denied. He wondered if that denial would cause the applicant to increase the building site to the maximum 200,000 square feet. Mr. Fleisher explained that the gas station was a permitted use under the zoning classifications, and that they were requesting a variance for the physical location of the gas station. He stated that if the variance was not granted, they would revert back to the original location. Mr. Fleisher displayed the two site plans in order for the Board to make a visual comparison of the differences between the

**PLANNING AND ZONING BOARD
AUGUST 22, 2001**

200,000 square foot plan which was submitted prior to developing the 154,200 square foot site plan which was being represented.

Mr. Connick explained why it was important to clarify the amount of square footage that the applicant was actually representing and the consequences of not having this point made clear.

Ms. Hall explained that B-2 zoning did not work for this project because there was an overall limitation of 100,000 square feet for commercial and that would not be economically feasible on this 21 acre site. She added that if that were the case, the property would have to be divided to accommodate the B-2 limitations. Ms. Hall indicated that everyone would be better off developing the site as a single project with unified buffer areas, unified signage, and a single architectural theme.

Mr. Waitkus clarified that "what we see is what we're going to get, give or take approximately 25,000 square feet." Ms. Hall responded affirmatively. Mr. Connick had the site plan designated as applicant's exhibit one.

Ms. Moore expressed her concern that the deacceleration lane going into the eastern entrance on Orange Drive was too short for such a narrow road. Mr. Fleisher stated that Broward County had approved specific access openings on Orange Drive and those requirements had been met. He added that they were not opposed to extending it if the County permitted.

Paul Renner, the attorney representing the Laurel Oaks community, asked for a show of hands of those in opposition to this application. Approximately 90% of those in attendance raised their hands. Chair Stahl asked for a show of hands of those in favor of this application. Approximately 10% of those in attendance were in favor of this application.

Mr. Renner felt it was significant that the applicant proposed this project as a benefit to the residents and the residents were in opposition to it. He stated that his clients felt that this project would jeopardize the uniqueness of their community. Mr. Renner reiterated that the Laurel Oaks community was in strong opposition to the application as it was currently proposed; they were not sure how it was currently proposed; and they would make a more comprehensive presentation before the Town Council.

Claudette Bonville, 11872 SW 42 Court, indicated that she was the president of the Laurel Oaks Homeowner's Association. She spoke in opposition to this application and pointed out corrections in Mr. Fleisher's presentation. Through questions which Ms. Bonville asked of Mr. Gratz, she qualified an inconsistency in Mr. Fleisher's remarks regarding the location site for the gas station if the request was denied. She clarified that although the applicant had offered to lower the light poles to 30 feet, the lamps would have to be increased by 30%.

Ms. Bonville questioned if there would be enough parking space to accommodate a 200,000 square foot building. Mr. Gratz stated that it depended on the types of businesses. She maintained that the entrance on Orange Drive, closest to Laurel Oaks, was the main entrance for trucks to enter the development because it was "one way in and one way out." Ms. Bonville also expressed her concern regarding access to the site by emergency vehicles.

Michael Williams, 13342 SW 40 Street, spoke in opposition of the application and asked if the 24 year old land use designation was the law. Mr. Gratz responded that the Town had adopted the Land Use Plan and that this site was adopted as commercial. Mr. Gratz further explained that the intent of the use was determined at a later date from when the Land Use Plan was adopted. Mr. Williams asked if Council could change the Land Use Plan and Mr. Gratz explained that there was a procedure for this through Broward County and that usually it was "developer driven." Mr. Connick explained the history of the Land Use Plan and

**PLANNING AND ZONING BOARD
AUGUST 22, 2001**

stated that the land use designations could be changed; however, it was not realistic in this case. Mr. Williams commented that in 1977, Flamingo Road was a two lane road and that he moved west to get away from the commercial development in the east and that he would like it to be kept that way.

Michael Spinbers, 11420 SW 23 Place, spoke in favor of the rezoning and felt it was in the resident's best interest to work with a quality developer who was providing many amenities. He stated that the Town should be striving for this type of lesser density development.

Bob Pedrazas, 5085 Stillwater Terrace, spoke in favor of this application. He believed that anyone who bought or sold property had the right to develop it as per its zoning, which in this case was commercial. Chair Stahl explained the difference between the Land Use Plan designation and zoning uses. Mr. Pradrasis spoke of the known verses the unknown and believed that Publix and the Stiles Corporation were both reputable.

Neal Lakhani, 11866 SW 44 Street, spoke in opposition of this application. As an environmental consultant, he believed that the Town was better off without concrete and buildings and this type of construction in the west. Mr. Lakhani had concerns with traffic and the small bridge linking Orange Drive and Griffin Road. He stated that there had been 19,000 contaminated gas stations and asked "do we want one."

Paul Bono, 4200 SW 120 Avenue, spoke in opposition of this application. He asked why another Publix supermarket was needed in the neighborhood and listed four others at nearby locations. Mr. Bono felt that this would be a good place to have the horse trails converge and that the Town should buy it to develop as a park. He reminded the Board that he chose to live in Davie because of its rural character.

Paul Pappas, 11845 SW 44 Street, spoke in opposition of this application. His concerns were regarding traffic and stated that problems had already existed on Orange Drive at that location. Mr. Pappas listed some of the permitted uses under B-3 zoning and encouraged the Board to consider this when making its decision.

Augusto Yocala, 11938 SW Acorn Drive, spoke in opposition of the application. He inquired on which governing body would make the final determination on the zoning use designation. Chair Stahl indicated that it would be Council's decision and that this Board made recommendations. Mr. Yocala clarified that Laurel Oaks residents were opposed to this development and that there was no alliance between these residents and the developers. He spoke of the special reason why he selected to live in Davie which was because of the distance between neighbors in Laurel Oaks.

Harry Tomlinson, 11960 SW 43 Street, spoke in opposition of the application. He asked for clarification on the request and Chair Stahl indicated that the applicant was seeking a B-3 zoning use. Mr. Tomlinson asked if any other developers were asked to bid besides Stiles. Chair Stahl stated that this Board did not have that information. Mr. Tomlinson advised that he had a business in one of the applicant's shopping centers, and that the center was not properly maintained. He was concerned about signage as it was not mentioned in the planner's report or by the applicant. Mr. Tomlinson took issue with the truck traffic that this development would bring as well as the lack of clarification regarding the actual type of lighting.

Ted Larson, Southwest 43 Court, spoke in opposition of the application and stated that although he was a resident of Laurel Oaks, in his research of other communities, residents were "adamantly" opposed to this project.

**PLANNING AND ZONING BOARD
AUGUST 22, 2001**

Bob Quartermain, 11903 Silver Oak Drive, spoke in opposition of the application. He pointed out that the surrounding communities already used existing shopping centers and that the 64 homes in Laurel Oaks would not be able to support this unnecessary shopping center.

Mr. Connick stated that Council had to have a reasonable basis for whatever actions it took. He further explained that Council was not obligated to grant a B-3 zoning. Mr. Connick confirmed that the applicant did have the right to bring suit if they felt aggrieved.

Martie Blaum, 325 NW 106 Terrace, owner of the property at 10401 Orange Drive, spoke in opposition of this application. She felt that this project did not fit the rural character of Orange Drive and was concerned with the traffic that this development would cause since she rode a horse in that vicinity.

Ms. Bonville readdressed the Board to present a petition signed by the residents of Stonebrook who were opposed to this project which was marked as exhibit two.

Mr. Fleisher stated that many of the concerns of the residents had been addressed with the Laurel Oaks Homeowner's Association Board in the meeting two weeks prior to this hearing. He thought that perhaps the Homeowner's were not aware that there had been a meeting. Mr. Fleisher stated that truck deliveries were restricted by the Code to be between 6:00 a.m. and 9:00 p.m. Also, trucks would be required to enter on Flamingo Road and exit westbound only onto Orange Drive. Mr. Fleisher stated that there would be an increase in the amount of light poles in order to make up for the compromise of shorter poles, and explained that adequate lighting was a safety issue. He felt that the best commercial use for this site was a neighborhood shopping center and that there were no ulterior motives for requesting a B-3 zoning use, only that it was due to the size of the parcel.

Mr. Fleisher stated that this development would add approximately \$35 million to the tax base for the Town. He indicated that the Publix was being constructed for the convenience of other communities besides Laurel Oaks but that they were making a concerted effort at responding to the residents of Laurel Oaks. Mr. Fleisher explained that the applicant had no control over traffic issues, although they could offer input to the County. He reiterated that the proposal was to build an approximately 150,000 square foot shopping center, not a 200,000 square foot one.

Mr. Fleisher stated that 46% of this project was landscape area, including the lake. Without the lake, 31% was green area and the building comprised of 12%. He added that it was not a requirement for the lake to be on site, however, it was convenient. Mr. Fleisher stated that Publix shopping centers increased property values and this proposal was the most desirable use for this site.

Ms. Hall explained that B-3 zoning allowed this site to be a single development with many amenities. She stated that three of the corners at this intersection had been developed commercially. Ms. Hall felt this project was an excellent opportunity for the community and that it was the best proposal this community would see for this site. She urged the Board to approve this application.

Ms. Turin asked Ms. Bonville if there had been discussions regarding the lighting and the entranceways. Ms. Bonville explained that there was ongoing discussion, but no resolution had been reached. She clarified that the Laurel Oaks community wanted this site to be zoned B-1 rather than B-2 or B-3. Ms. Bonville also clarified that Laurel Oaks had requested that there be no entrance on Orange Drive and that a wall be erected along Orange Drive to Flamingo Road. She expressed that other concerns were the constant glow from the proposed lighting on the site and fire trucks having to enter the site. Ms. Bonville stated that Mr. Fleisher had told her that the Fire Department had required entrances to be on Orange

**PLANNING AND ZONING BOARD
AUGUST 22, 2001**

Drive; however, she was not sure this was the case.

Ms. Moore expressed her wonderment that developers did not communicate better with communities where they intended to build before purchasing property and creating site plans. She did not feel that this project was the best plan for the residents in the area. Ms. Moore reiterated that she was not comfortable with the Orange Drive entranceway.

Mr. Waitkus agreed that the applicant had a unique situation because of the Land Use Plan. He understood that there were discrepancies with the neighbors and felt solutions still needed to be sought. Mr. Waitkus concurred with Ms. Moore regarding the need for discussions with residents prior to plans being made. He stated that he would not approve this application based on the information brought forth at this meeting.

Vice-Chair Bender disclosed that he had been invited to the Laurel Oaks Homeowner's Association meeting by Ms. Bonville. He indicated that Ms. Hall's comment regarding the commercial development of the three other corners of this intersection was incorrect as the southwest corner was not developed and had been rejected by Cooper City. Vice-Chair Bender stated that the horse trail around the property would not be conducive for horses and he did not believe equestrians would utilize this trail. He pointed out that there were five Publix supermarkets and numerous other supermarkets within ten minutes of this site, and that there was no need for another.

Vice-Chair Bender stated that he was not interested in hearing about the tax base "until he had confidence that the Town was being run efficiently by the administration." He also believed that developers would have a difficult time selling property to the north of this site situated so close to a shopping center. Vice-Chair Bender indicated that this site was more suitable for a high end office development and that was what the Town needed. He stated that he believed that the Orange Drive corridor would be protected and kept as a residential rural road with a mix of agricultural, churches, and high-end commercial and he wanted to hold the Town officials to that promise. Therefore, Vice-Chair Bender stated he would deny this application.

Chair Stahl felt that this development would adversely affect property values in the area. He clarified that the commercial land use designation could not be denied; however, he felt strongly that there were many other commercial use options for this site. Chair Stahl agreed with Vice-Chair Bender's recommendation for a high-end office complex for this property. He stated that west Davie was meant to be rural and that Orange Drive was not designed for commercial development. Chair Stahl questioned the applicant's remarks regarding a distant water retention area and believed that the lake area to the north was a "trade off." He stated that traffic in this area was definitely problematic and spoke of the inefficiencies he had experienced. He stated that he was opposed to this rezoning.

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to deny. In a roll call vote, the vote was as follows: Chair Stahl - yes; Vice-Chair Bender - yes; Ms. Moore - no; Ms. Turin - no; Mr. Waitkus - yes. **(Motion carried 3-2)**

Upon Mr. Connick's inquiry, Ms. Hall indicated that she would want a vote on all the items connected to item 4.2.

Mr. Fleisher clarified that all the dry retention requirements were being met on site and that the off-site lake was strictly a water retention area that was a basin line requirement that did not have to be physically connected as was his understanding from the Broward Drainage District.

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to take item 4.1 out of order. In a voice vote, all voted in favor. **(Motion carried 5-0)**

**PLANNING AND ZONING BOARD
AUGUST 22, 2001**

4.1 Ms. Hall and Mr. Fleisher, representing the petitioner, were present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

Ms. Hall asked that the petitioner's original presentation be incorporated into this item.

Chair Stahl asked if anyone wished to speak for or against this item.

Sergio Rodriguez, 10893 SW 43 Street, stated that since the shopping center was denied, rezoning this property would serve no purpose.

As there were no other speakers, Chair Stahl closed the public hearing.

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to deny. In a roll call vote, the vote was as follows: Chair Stahl - yes; Vice-Chair Bender - yes; Ms. Moore - no; Ms. Turin - no; Mr. Waitkus - yes. **(Motion carried 3-2)**

3. PLATS

3.1 P 5-1-01, Miller, Legg & Associates, Inc./Moersch, Fuselli, Amsouth Bank, Trustee of the Fuselli Trust, northeast corner of Flamingo Road and Orange Drive (AG)

Ms. Hall and Mr. Fleisher, representing the petitioner, were present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval subject to the conditions as outlined in the report).

Ms. Hall commented that they were in compliance with traffic concurrency for the plat and that the regional road network was adequate for the development of the site. She stated that the two access points were appropriate because they provided access to the different portions of the shopping center. Ms. Hall indicated that Broward County had approved access at both locations.

Mr. Fleisher stated that the Fire Department wanted openings onto this site from Orange Drive and it would not approve deleting the one access point on Orange Drive. He explained that the engineering comments came from the pre-submittal application during review by the Development Review Committee.

Vice-Chair Bender made a motion, seconded by Ms. Moore, to deny based on not wanting the entrances on Orange Drive. In a roll call vote, the vote was as follows: Chair Stahl - yes; Vice-Chair Bender - yes; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 5-0)**

4. PUBLIC HEARING

4.1 ZB 4-5-01, Miller, Legg & Associates, Inc./Moersch, Fuselli, Amsouth Bank, Trustee of the Fuselli Trust, 4450 Flamingo Road (from AG to CF)

This item was discussed earlier in the meeting.

4.2 ZB 4-6-01, Miller, Legg & Associates, Incc./Moersch, Fuselli, Amsouth Bank, Trustee of the Fuselli Trust, 4450 Flamingo Road (from AG to B-3)

This item was discussed earlier in the meeting.

4.3 ZB 7-1-01, Aguirre/Stone Harbor, Inc., 3201 W State Road 84 (M-1, Hacienda Village to M-2)

This item was discussed later in the meeting.

4.4 V 4-3-01, Miller, Legg & Associates, Inc./Moersch, Fuselli, Amsouth Bank, Trustee of the Fuselli Trust, 4450 Flamingo Road (AG)

Ms. Hall, representing the petitioner, was present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: denial).

**PLANNING AND ZONING BOARD
AUGUST 22, 2001**

Ms. Hall reiterated that the purpose of the variance was to put the gas station in a more appropriate location and she shared the reasons for that determination. Ms. Hall emphasized that this site placed the gas station farthest away from the Laurel Oaks residents and more than 200 feet away from residents to the north due to deed restrictions on the lake.

Chair Stahl asked if anyone wished to speak for or against this item.

Mr. Renner spoke on behalf of the Laurel Oaks residents and asked that the Board deny the variance consistent with staff's recommendation.

As there were no other speakers, Chair Stahl closed the public hearing.

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to deny. In a roll call vote, the vote was as follows: Chair Stahl - yes; Vice-Chair Bender - yes; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 5-0)**

Chair Stahl requested a recess at 10:17 p.m. The meeting reconvened at 10:32 p.m.

4.3 Frank Aguirre, the petitioner, was present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

Mr. Aguirre advised that the western 300 feet of this site was vacant and a portion of it was covered with vegetation. He stated that some of the trees would be preserved while the exotics would be removed, as per the Code.

Chair Stahl asked how long the company had been in business.

Michael Saa, representing the owner, replied that the firm was in business for 20 years.

Mr. Waitkus asked if there was anything to the south side of the site other than State Road 84. Mr. Gratz replied that there was not.

Chair Stahl asked if anyone wished to speak for or against this item.

Ross Petri, who lived across the river in Fort Lauderdale, stated that he had already contacted the Environmental Protection Agency regarding the use of herbicides being used to destroy trees in that area. He was concerned that the trees would fall into the river and poison it. Mr. Petri stated that there were Cypress trees on this site which were federally protected. He indicated that it was an EPA regulation that fiberglass and resin was not to be used for boat building at this facility. Mr. Petri advised that historically, the site was a boat storage yard that worked with wood, not fiberglass and resins. He insisted that resin and fiberglass usage were not "grandfathered" in for this boatyard. Mr. Petri stated that the next time this would come up, he would bring all his engineers, the EPA and federal people to investigate. Mr. Petri reiterated that the Cypress trees on this property were federally protected and that the Town did not have jurisdiction. Chair Stahl explained that this Board was an advisory board and made recommendations to Council.

Royanne Gratto stated that Roscioli had destroyed trees behind her property which was across the river from the site. She advised that there was no longer a buffer to screen the view of debris which covered the site in question. Ms. Gratto was concerned that the area had not been cleaned and now the applicant wanted an industrial zoning which would adversely affect her property.

Mr. Gratz clarified that the applicant was not permitted to make any changes to the property other than maintain it and keep it clean until it was rezoned. He added that the tree destruction and removal was a County and State issue, not the Town.

Chair Stahl inquired on what would happen to the boatyard if this application was denied. Mr. Gratz believed that the applicant could keep what was in place; however, he would not be able to expand.

**PLANNING AND ZONING BOARD
AUGUST 22, 2001**

Chair Stahl asked about the use of fiberglass. Mr. Gratz explained that fiberglass use was not addressed in the Code, only that the zoning would permit manufacturing. Mr. Petri explained that there were safety guidelines in place for the use of fiberglass and that it was not permitted within 500 yards of a residential area. He added that Roscioli was currently violating federal law in regards to the use of fiberglass and resin.

Craig Kenney, 3404 SW 25 Street, stated that he was president of the Lauderdale Isles Homeowner's Association and spoke in opposition of this application. He advised the Board that Roscioli had not been a good neighbor and that the boatyard was in disrepair and filled with debris. Mr. Kenney felt that this application should be denied and that Roscioli should be required to plant a buffer. He also suggested that staff investigate the environmental issues that were being violated. Chair Stahl questioned if Roscioli and Stone Harbor were the same and Mr. Kenney answered affirmatively.

George Counts, 2449 Nassau Lane, spoke in opposition of the rezoning. He was concerned with the negative impact on a traffic situation that was already problematic. Mr. Counts advised that although the business had been established for a long time, losing the existing buffer by removing the exotic trees, made the view offensive. He hoped that the petition would be denied and urged staff to see if a buffer could be installed.

Vice-Chair Bender asked if the property had been inspected for protected species. Mr. Gratz replied affirmatively.

Ms. Moore asked if this rezoning would improve the property. Mr. Gratz explained that the rezoning was necessary in order for the applicant to proceed with his plans. He clarified that specifications would be made regarding various uses and allowable materials during the site plan process.

Mr. Petri was concerned with the operations of this business beginning at 7:30 a.m. Chair Stahl believed that was allowable. Mr. Petri requested a copy of the noise ordinance. Ms. Gale stated that this could be obtained at the Town Clerk's Office.

There being no other speakers, Chair Stahl closed the public hearing.

Mr. Saa responded to the concerns of those who expressed the need for a buffer and advised that he was required by South Florida Water Management District, Broward County EPA, and the Army Corps of Engineers to plant trees on this property; however, he was waiting for the "proper time" to commence planting.

Ms. Moore recommended approval based on staff's comments that nothing could be done with the site unless it was rezoned.

Chair Stahl clarified that if this application was approved, the petitioner had to submit a complete site plan. Mr. Gratz replied affirmatively and indicated that at that point in time, there would be an opportunity to stipulate improvements to landscaping. Chair Stahl stated that major improvements to landscaping should strongly be considered during the site plan process.

Mr. Waitkus was concerned not only with the landscaping issue, but also with the debris at the site. He asked if this was monitored by the Town. Mr. Gratz stated that Code Enforcement would be responsible for this.

Ms. Moore made a motion, seconded by Mr. Waitkus, to recommend approval. In a roll call vote, the vote was as follows: Chair Stahl - yes; Vice-Chair Bender - yes; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 5-0)**

**PLANNING AND ZONING BOARD
AUGUST 22, 2001**

5. OLD BUSINESS

Chair Stahl referred to a previous discussion regarding rezoning notification signs and suggested that if an application was to be reconsidered, that the dates be changed on the signage so that the public would know when it was going to be reconsidered.

6. NEW BUSINESS

Mr. Waitkus asked if the brick pavers at the entranceway to Bergeron Rodeo Grounds had been cleaned. Chair Stahl explained that these pavers were ruined when the road was tarred and felt that the contractor was responsible and should be made to clean them.

7. COMMENTS AND/OR SUGGESTIONS

Ms. Gale asked if the Board wanted to meet on December 26, 2001.

Mr. Waitkus made a motion, seconded by Ms. Moore, to cancel the meeting of December 26th. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Ms. Gale advised that effective in September, minutes would be modified to "action minutes" which were very brief. She described the information that would be included in this new format.

8. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 11:07 p.m.

Date Approved _____

Chair/Board Member